



# PROPOSED RULE MAKING

**CR-102 (June 2004)**

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

**Agency:** Department of Ecology AO 07-17

- ☒ **Preproposal Statement of Inquiry was filed as WSR 07-22-116 ; or**  
☐ **Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or**  
☐ **Proposal is exempt under RCW 34.05.310(4).**

- ☒ **Original Notice**  
☐ **Supplemental Notice to WSR \_\_\_\_\_**  
☐ **Continuance of WSR \_\_\_\_\_**

**Title of rule and other identifying information:** (Describe Subject)

Chapter 173-518 WAC, Water Resources Management Program for the Dungeness portion of the Elwha-Dungeness Water Resource Inventory Area (WRIA 18)

**Hearing location(s):**

Guy Cole Center  
 Carrie Blake Park  
 202 North Blake Avenue  
 Sequim, WA

**Date:** June 28, 2012 **Time:** 5:00 pm-Open house; 6:00 pm-Presentation  
 with Q & A followed by public hearing.

**Date of intended adoption:** August 31, 2012

(Note: This is **NOT** the effective date)

**Submit written comments to:**

**Name:** Ann Wessel  
**Address:** Dept. of Ecology, Bellingham Field Office  
 1440 --10<sup>th</sup> St, Ste 102  
 Bellingham, WA 98225-7028

e-mail [awes461@ecy.wa.gov](mailto:awes461@ecy.wa.gov)

fax (360) 715-5225 by (date) 5:00 pm, July 9, 2010

**Assistance for persons with disabilities:** Contact

Judy Beitel by June 20, 2012

TTY 711 or (877) 833-6341

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

To better manage water resources in the Dungeness watershed, the local Watershed Planning Unit recommended that Ecology adopt, in rule, a water resource management strategy for the watershed, including protection of instream flows and mitigation requirements for new water uses. The Watershed Plan recommendations were approved by the Clallam County Board of Commissioners on June 7, 2005. The key rule elements include:

- Setting instream flow levels in the watershed to protect aquatic resources, including habitat for threatened salmonids;
- Closing surface waters to new withdrawals with the exception of seasonal water from the Dungeness River;
- Requiring mitigation for all new consumptive uses of water, including permit-exempt withdrawals;
- Establishing reserves of water for future domestic use;
- Setting maximum allocations of water from the mainstem Dungeness during the open period;
- Allowing storage projects; and
- Requiring measuring of new water uses.

**Reasons supporting proposal:** RCW 90.82.130(4) states when a watershed plan is approved by a watershed planning unit and the county legislative authority, Ecology is obligated to use the plan for making future water resource decisions for the watershed. The proposal also furthers the State of Washington's water management goals and Ecology's statutory obligations.

**Statutory authority for adoption:** RCW chapters 90.03, 90.22, 90.42, 90.44, 90.54, and 90.82

**Statute being implemented:** RCW chapters 90.03, 90.22, 90.42, 90.44, 90.54, and 90.82

**Is rule necessary because of a:**

- Federal Law? ☐ Yes ☒ No  
 Federal Court Decision? ☐ Yes ☒ No  
 State Court Decision? ☐ Yes ☒ No  
 If yes, CITATION:

**DATE**

5/7/12

**NAME** (type or print)

Polly Zehm

**SIGNATURE**

*Polly Zehm*

**TITLE**

Deputy Director Department of Ecology

**CODE REVISER USE ONLY**

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 STATE OF WASHINGTON  
 FILED

**DATE:** May 07, 2012

**TIME:** 1:21 AM

**WSR 12-11-020**

(COMPLETE REVERSE SIDE)

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

NA

**Name of proponent:** (person or organization) Department of Ecology

- ☐ Private  
☐ Public  
☒ Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Ann Wessel	Dept. of Ecology Bellingham Field Office, 1440 10th St, Ste 102, Bellingham, WA 98225-7028	(360) 715-5215
Implementation....Mike Gallagher	Dept. of Ecology Southwest Regional Office, 300 Desmond Dr, Lacey, WA 98503	(360) 407-6058
Enforcement..... Mike Gallagher	Dept. of Ecology Southwest Regional Office, 300 Desmond Dr, Lacey, WA 98503	(360) 407-6058

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

☒ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Department of Ecology webpage at:

<http://www.ecy.wa.gov/programs/wr/instream-flows/dungeness.html>

OR: Water Resources Program Publications

Address: PO Box 47600

Olympia, WA 98504-7600

phone (360) 407-6872

fax (360)407-7162

e-mail [WRPublications@ecy.wa.gov](mailto:WRPublications@ecy.wa.gov)

☐ No. Explain why no statement was prepared.

**Is a cost-benefit analysis required under RCW 34.05.328?**

☒ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Department of Ecology webpage at:

<http://www.ecy.wa.gov/programs/wr/instream-flows/dungeness.html>

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☐ No: Please explain: